

1           DELEGATE BOTHE: I know that you personally have  
2 been both a prosecutor and defense counsel. Is it your  
3 personal opinion that juries should be able to decide what the  
4 applicable law is?

5           DELEGATE JAMES: Delegate Willoner.

6           DELEGATE WILLONER: There are times when I think  
7 that is true. We have a rather poor definition of the  
8 premeditated murder in Maryland. The courts have developed  
9 it. I can certainly think from the debates we have had  
10 today, maybe judges and lawyers aren't so smart about the  
11 law after all.

12           But we have premeditation in Maryland that is  
13 described roughly as the deliberation it takes to aim a  
14 pistol for the second shot is enough to be premeditated  
15 murder, and I know it is very difficult to get a jury to  
16 convict unless it is a police officer or some person like  
17 that that is shot.

18           Juries disregard that instruction, although there  
19 is no doubt that two shots were fired, and they were shot  
20 at the vital part of the body.

21           So the juries do in fact disregard. I am not